

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN CLARIZIA, *et al.*, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

OCWEN FINANCIAL CORP., *et al.*,

Defendants.

Case No. 1:13-cv-2907-ALC-HBP

**DECLARATION OF MARY GAIL GEARNES IN SUPPORT OF THE MOTION
TO DISMISS BY SAXON MORTGAGE SERVICES, INC. AND MORGAN STANLEY**

MARY GAIL GEARNES hereby declares under penalty of perjury as follows:

1. I am a member of Morgan, Lewis & Bockius LLP, counsel for defendants Saxon Mortgage Services, Inc. ("Saxon") and Morgan Stanley and make this declaration in support of their motion to dismiss.

- a. Attached as **Exhibit 1** hereto is a true and correct copy of a Hazard Insurance Authorization, Requirements and Disclosure form executed by Johnnie Erving, Jr. and Frances T. Erving on July 21, 2006.
- b. Attached as **Exhibit 2** hereto is a true and correct copy of an Escrow Wavier agreement executed by Johnnie Erving, Jr. and Frances T. Erving on July 21, 2006.
- c. Attached as **Exhibit 3** hereto is a true and correct copy of a Home Affordable Modification Agreement, as it is maintained in Saxon's files, executed by Johnnie Erving, Jr. and Frances T. Erving, with an effective date of August 1, 2010.

- d. Attached as **Exhibit 4** hereto is a true and correct copy of a letter and enclosure sent to Johnnie Erving, Jr. and Frances T. Erving on or about August 20, 2010.

Dated this 20th day of February, 2015

/s/ Mary Gail Gears
MARY GAIL GEARNs